

REMARKS

Applicants submit this Reply in response to the non-final Office Action dated July 13, 2007. Before this Reply, claims 1-12 were pending, of which claims 1, 11, and 12 were independent. In this response, Applicants have amended independent claims 1, 11, and 12 and added new claims 27-35. Accordingly, claims 1-12 and 27-35 are currently pending, of which claims 1, 11, and 12 are independent.

In the Office Action, the Examiner rejected claims 1-3, 5, and 9-12 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,834,182 ("Fu"). The Examiner rejected claims 4 and 6 under 35 U.S.C. § 103(a) as being unpatentable over Fu in view of U.S. Patent No. 5,756,967 ("Quinn"). Finally, the Examiner rejected claims 7 and 8 under 35 U.S.C. § 103(a) as being unpatentable over Fu in view of U.S. Patent No. 6,961,368 ("Dent"). Applicants respectfully traverse these pending claim rejections for at least the reasons discussed below.

Rejections Under 35 U.S.C. § 102(e)

In order to properly establish an anticipation rejection under 35 U.S.C. § 102(e), every element of the claims at issue must be found in the applied prior-art reference, either expressly or under principles of inherency. Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim." See M.P.E.P. § 2131, quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). In this case, Applicants traverse the pending Section 102(e) rejections because, among other reasons, Fu fails to disclose every element of Applicants' invention.

Each of the independent claims 1, 11, and 12, as presently amended, calls for a combination including, for example, "a communication module for transmitting said at least one RF power signal measurement to a remote processing facility." Fu fails to teach or suggest at least "a remote processing facility," as recited in each of the Applicants' independent claims 1, 11, and 12. For at least this reason, Fu cannot legally anticipate the pending independent claims, as amended.

Fu is directed to transmitter circuitry in a mobile station. See, e.g., Fu, Title; col. 1, ll. 7-10 ("This invention relates generally to radiotelephones, such as digital cellular telephones, also referred to herein as mobile stations, and relates more particularly to mobile station RF transmitter circuitry"). In particular, Fu "provide[s] a technique to calculate the ACPR [adjacent channel power ratio] in real-time in the mobile station and to use the results of the calculation to reduce the DC power consumption of the mobile station." Fu, col. 2, ll. 24-28.

Fu discloses that all of its ACPR power-detection circuitry, data processing circuitry, and wireless-transmission circuitry are entirely contained within a single mobile station 10. See, e.g., Fu, FIGS. 2 and 7. In more detail, Fu discloses that a power amplifier 20, antenna 24, ACPR detector 20B, digital processor 20C (including DSP 18), and microcontrol unit (MCU) 12 are all electronic components of the same mobile station 10. See Fu, FIGS. 1, 2, and 7. Although FIG. 1 in Fu shows a communication path between two remote mobile stations 10, each of these mobile stations contains its own set of ACPR circuitry 26, DSP 18, MCU 12, and transmission circuitry 20. Furthermore, as shown in FIG. 1 and described at col. 3, line 63 through col. 4, line 11 in Fu, an intermediate network operator 2 (including base station controller 4, base

stations 5, etc.) does not comprise any of the ACPR power detection circuitry, processing circuitry, or transmission circuitry for the communicating mobile stations 10. In other words, none of the transmission, power-detection, or processing circuitry for a mobile station 10 in Fu is remote from that mobile station.

Moreover, ACPR power detection and processing in Fu is performed entirely within the mobile station 10. Specifically, the mobile station 10 in Fu includes a directional coupler 21 that senses an output signal fed from a power amplifier (PA) 20 to an antenna 24. See Fu, FIGS. 2 and 7; col. 5, ll. 4-19. The sensed output signal is fed to an ACPR power detector 20B which, in turn, "feeds an input of a baseband digital processing block 20C, which can be implemented in whole or in part by code running on the DSP 18." *Id.* Then, "[t]he output of the baseband digital processing block 20C in (sic) input to a transmitter bias control block 20D that generates a suitable bias signal for the PA 20." *Id.* As such, none of the ACPR power detection and processing functionality in the mobile station 10 is off-loaded (or communicated) to a remote processing facility.

In sharp contrast, each of Applicants' independent claims 1, 11, and 12 recites, among other things, "a communication module for transmitting said at least one RF power signal measurement to a remote processing facility." Because all of the communication and processing circuitry in Fu is entirely contained within a single mobile station 10, a fair and accurate reading of Fu cannot reasonably teach or suggest at least "a communication module" and "a remote processing facility," i.e., remote from the communication module, as recited in amended independent claims 1, 11, and 12. Indeed, Fu does not appear to disclose any communication module for transmitting a

RF power signal measurement obtained inside the mobile station 10 to a remote processing facility, as claimed.

For at least the foregoing reasons, Applicants submit that independent claims 1, 11, and 12, as presently amended, are allowable over the art of record. Dependent claims 2, 3, 5, 9 and 10 each depend on independent claim 1 and are therefore allowable for at least the same reasons.

Rejections Under 35 U.S.C. § 103(a)

Applicants respectfully traverse the Section 103(a) rejections of dependent claims 4 and 6-8. To establish a *prima facie* case of obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See M.P.E.P. § 2142, 8th Ed., Rev. 5 (August 2006). Moreover, "in formulating a rejection under 35 U.S.C. § 103(a) based upon a combination of prior art elements, it remains necessary to identify the reason why a person of ordinary skill in the art would have combined the prior art elements in the manner claimed." USPTO Memorandum from Margaret A. Focarino, Deputy Commissioner for Patent Operations, May 3, 2007, page 2.

A *prima facie* case of obviousness has not been established for at least the reason that the cited art, whether taken alone or in combination, fails to teach or suggest every element recited in Applicants' amended independent claim 1 from which dependent claims 4 and 6-8 depend. As discussed above, with reference to the pending Section 102(e) rejections, Fu fails to teach or suggest at least "a communication module for transmitting said at least one RF power signal measurement

to a remote processing facility," as recited in amended independent claim 1 and required by its dependent claims 4 and 6-8.

Moreover, neither Quinn nor Dent remedies the above-noted deficiency in Fu. Specifically, Quinn is directed to a welding process (see, e.g., Quinn, Title) and appears to have been only relied on by the Examiner for its disclosure of data processing methods. Dent is likewise deficient, as it is generally related to circuitry and antennas contained within mobile phones (like Fu) and appears to have only been relied on by the Examiner for its disclosure of processing multiple frequency bands. See, e.g., Dent, col. 15, ll. 30-34 ("It has been disclosed herein how a mobile phone can be advantageously constructed to operate in multiple frequency bands").

Accordingly, because the art of record fails to teach every element recited in dependent claims 4 and 6-8, no *prima facie* case of obviousness has been established. Dependent claims 4, 6, 7, and 8 are therefore allowable over the asserted combinations of Fu, Quinn, and Dent.

Conclusion

The preceding remarks are based only on the arguments in the Office Action, and therefore do not address patentable aspects of the invention that were not addressed by the Examiner in the Office Action. The claims may include other elements that are not shown, taught, or suggested by the cited art. Accordingly, the preceding remarks in favor of patentability are advanced without prejudice to other bases of patentability.

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: September 25, 2007

By:


Stephen E. Kabakoff
Reg. No. 51,276
(404) 653-6477